

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROGER CANTU, et al.,

Plaintiffs,

v.

KINGS COUNTY, et al.,

Defendants.

Case No. 1:20-cv-00538-JLT-SAB

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND EXTENDING
DEADLINE TO FILE PETITION FOR
MINOR'S COMPROMISE**

(ECF Nos. 53, 55, 56, 57)

DEADLINE: OCTOBER 6, 2023

On August 15, 2023, the parties filed a notice of settlement of this entire action. (ECF No. 51.) The filing noted that this action requires the filing of a petition for minor's compromise, that the parties anticipated filing such petition within thirty (30) days, and requested a status conference be set in approximately 90 days, if the Court was inclined. On August 16, 2023, the Court set a deadline of thirty (30) days to file the petition for minor's compromise, however, noted that if the parties require additional time, they may file a stipulated request demonstrating good cause. The Court did not find it necessary to set a status conference. As no petition was filed by the deadline, on September 26, 2023, the Court issued an order to show cause why sanctions should not be imposed for the failure to file the petition. (ECF No. 55.)

On September 26, 2023, Defendants filed a response to the order to show cause, and on September 27, 2023, Plaintiffs filed a response. (ECF Nos. 56, 57.) Plaintiff's counsel proffers a

colleague assured her that he was “working” on the petition and would have it ready for filing with the Court; that on September 11, 2023, counsel had surgery and was absent from the office between September 11, 2023 and September 25, 2023; that counsel was unaware that the compromise had not been drafted or filed until she received notice of the OSC from the Court; that as of September 27, 2023, the petition to approve compromise of the disputed claim has been drafted using the California state standard forms, as well as all supporting exhibits; that the petition has been sent to guardian ad litem Maryzol Jones for her signature; that the petition will be filed with or without Ms. Jones’ signature no later than September 29, 2023; and counsel apologizes to the Court for the delay.

The Court finds sufficient good cause to discharge the order to show cause. As for Plaintiffs’ counsel’s statement that the petition will be filed with or without the signature of the guardian ad litem by September 29, 2023, the Court shall extend the deadline for one week given it may be prudent to obtain the signature, and would be inclined to further extend, if counsel finds it necessary or proper for the petition. However, the Court leaves it to counsel to determine if necessary to obtain the signature of the guardian ad litem.

Accordingly, IT IS HEREBY ORDERED that:

1. The Court’s order to show cause issued September 26, 2023, (ECF No. 55), is DISCHARGED;
2. Plaintiffs shall file the petition for minor’s compromise **on or before October 6, 2023**, or otherwise request an extension based on good cause; and
3. The failure to comply with this order may result in the issuance of sanctions.

IT IS SO ORDERED.

Dated: September 28, 2023


UNITED STATES MAGISTRATE JUDGE